

Serial No.: 10/631,290
Amendment dated November 22, 2005
Response to Office Action dated August 22, 2005

Remarks

Claims 1-18 are pending in the present application. Claims 19 and 20 are canceled.
Claims 1 and 10 are amended herein, for clarification. No new matter has been entered.

Rejections under § 102(b)

Claims 1 is rejected under the argument that the claim is anticipated by Holland (U.S. 5,020,103) under 35 U.S.C. § 102(b). Claim 10 is rejected under the argument that these claims are anticipated by Bartley (U.S. 3,752,927) under 35 U.S.C. § 102(b). Claims 1-6, 10-15, and 17-18 are rejected under the argument that these claims are anticipated by Scolari (U.S. 4,489,306) under 35 U.S.C. § 102(b). These rejections are respectfully traversed.

Independent claim 1 recites a modular communication support system comprising, *inter alia*, plurality of modular components configured to be interchangeably secured to one another in a vertical arrangement. The plurality of modular components may be stackingly assembled in a plurality of vertical arrangements. Similarly, claim 10 recites a modular communication assembly comprising, *inter alia*, a plurality of modular components interchangeably secured to a tubular communication device mounting member in a stacked vertical, end to end arrangement.

None of the cited references teach all elements of the above claims. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Holland's mounting pedestal for public and coin telephones fails to teach all elements of independent claim 1. For instance, referring to Figs. 3A through 3D, Holland teaches a pedestal 12 capable of supporting a phone 20 at various locations on the pedestal 12;

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however, Holland fails to teach a plurality of modular components interchangeably secured to one another. As defined in the specification of the application, modular components may include a communication device mounting member 22A, an extension sleeve 22B, a light assembly 22C and a strobe assembly 22D, all assembled in a vertical arrangement. *See generally* page 6, lines 17-24 to page 7, lines 1-3. Alternative modular components may also include, but are not limited to, power assemblies for providing electrical power to the communication assembly (e.g., a solar power module or a battery module), a telephone book housing assembly, an antenna and a storage compartment assembly. *Id.* Referring to Figs. 1-4 of the present invention, the modular components of the present invention are interchangeable parts, which may be secured in various locations on the modular assembly 20.

In contrast to the present invention, Holland, as shown in Figs. 3A-3D, teaches only that a phone 20 may be mounted in various positions on the pedestal. Referring to Fig. 3d of Holland, Holland's device may include a mast 70 located on the top of the pedestal 12 for aerial power or telephone service, but Holland does not teach that the mast is interchangeably secured to the phone. For instance, Holland does not teach that the mast 70 could be positioned beneath the phone 20. Holland only teaches providing a mast 70 at the top of the pedestal 12, and does not teach that the mast 70 could be configured at other locations. (col. 6, lines 66-68). Consequently, Holland fails to teach a plurality of modular components interchangeably secured to one another, as recited in claim 1. Accordingly, Holland does not anticipate claim 1 and all claims dependent thereon.

Bartley's public telephone mounting device 10 fails to teach the elements of independent claim 10. Bartley's device does not include a plurality of modular components interchangeably secured to a tubular mounting device, as claimed. Bartley teaches the side

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mounting of a telephone 20 and a shelf 85 or enclosure 82 onto a rectangular post 10; however, Bartley does not teach that these components may be interchangeably secured to the post 10. Bartley does not teach that the positioning of the phone 20 and the positioning of the shelf 85 or enclosure 82 may be switched as shown in the claims and figures of the present invention, thus Bartley's device not teach a plurality of modular components interchangeably secured onto a tubular mounting device as claimed.

Moreover, Bartley does not teach a plurality of modular components interchangeably secured to the mounting member in a stacked vertical end to end arrangement as claimed. As stated above, Bartley teaches the side mounting of a phone 20 onto a post 10, not a stacked vertical end to end arrangement as claimed. Accordingly, Bartley does not anticipate claim 10 and all claims dependent thereon.

Scolari fails to teach the elements independent claims 1 and 10. Like Holland and Bartley, Scolari also fails to teach a plurality of modular components interchangeably secured to one another as recited in claim 1, or interchangeably secured to a tubular mounting device as recited in claim 10. Scolari teaches a self-contained emergency signal unit 10 having cubic boxes of decreasing size nested into one another. *See* Fig. 8. When not in use, the boxes fold into one another and are stored within the unit 10. The nested boxes each comprise a strobe light element, and a letter, so that the combination of boxes can spell out and illuminate the word "HELP". Consequently, Scolari requires a precise configuration of boxes that is not interchangeable. For instance, the boxes must be arranged in decreasing size in order for the nested boxes to fold within each other. Moreover, each box contains a letter that functions to spell out the word "HELP"; as a result, changing the configuration of these boxes would preclude this function. Thus, Scolari does not teach interchangeably secured modular

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components. Accordingly, Scolari does not anticipate claims 1 and 10 and all claims dependent thereon.

Rejection under § 103(a)

Claim 7, which depends from claim 1, and claim 16, which depends from claim 10, are rejected under the argument that these claims are unpatentable under 35 U.S.C. § 103(a) in light of the combination of Scolari and Bartley. This rejection is respectfully traversed. As stated above, Scolari and Bartley both fail to teach, *inter alia*, a plurality of modular components interchangeably secured to one another or to a tubular communication device mounting member, as recited in claims 1 and 10, respectively. Accordingly, all of the cited references, singularly or in combination, fail to teach or suggest all elements of the claimed invention, thus a prima facie case of obviousness has not been established.

The Applicants respectfully submit that the application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully requested.

Respectfully submitted,

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